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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,449	02/16/2000	George R. Borden, IV	SLA0179 (7146.0045)	5400
55648	7590	06/08/2010	EXAMINER	
KEVIN L. RUSSELL			CZEKAJ, DAVID J	
CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP			ART UNIT	PAPER NUMBER
1600 ODSTOWER			2621	
601 SW SECOND AVENUE				
PORTLAND, OR 97204				
MAIL DATE		DELIVERY MODE		
06/08/2010		PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/505,449

Filing Date: February 16, 2000

Appellant(s): BORDEN, IV ET AL.

Kurt Rohlfs
Reg. No. 54, 405
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/18/09 appealing from the Office action mailed 12/24/08.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

There are 20 claims pending in the application.

Claims 1-20 are rejected.

Claims 21-26 and 30-32 are canceled.

Claims 27-29 are withdrawn.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading “WITHDRAWN REJECTIONS.” New grounds of rejection (if any) are provided under the subheading “NEW GROUNDS OF REJECTION.”

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant’s brief.

(8) Evidence Relied Upon

6,404,455	Ito et al.	6-2002
6,437,819	Loveland	8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (6404455), (hereinafter referred to as “Ito”) in view of Loveland (6437819).

Regarding claim 1, Ito discloses an apparatus that relates to a monitoring apparatus (Ito: column 1, lines 6-9). This apparatus comprises “initiating the object tracking system” (Ito: column 6, lines 43-55, wherein the initiation is the detection of objects which initiates the object tracking) and “automatically increasing magnification a recorded sequence of frames of an image in response to initiating the tracking system free from further user input while the tracking system is activated” (Ito: column 12, lines 21-26). However this apparatus lacks decreasing the magnification based on a low confidence level and selecting an

object of interest as claimed. Loveland teaches that prior art tracking systems require a user's full attention (Loveland: column 1, lines 40-43). To help alleviate this problem, Loveland discloses "selecting an object of interest while the tracking system is activated and while the image is being magnified in response to initiating the system" (Loveland: column 3, lines 56-59, wherein the guard selects the person or object of interest) and "designating the object as the target, wherein the magnification is decreased automatically based upon a low confidence that the object is being tracked" (Loveland: column 4, lines 55-59, wherein the magnification is the zoom, the low confidence is the obscured view). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Ito and add the tracking taught by Loveland in order to obtain an apparatus that allows a user to perform more tasks since the users full attention is no longer required.

Regarding claims 2, 11, and 17, Loveland discloses "the image is magnified by adjustment of an optical lens" (Loveland: column 3, lines 60-65, wherein the PTZ camera includes an optical lens).

Regarding claims 4, 13, and 19, Ito discloses "the magnification is an automatic result of the initiating the object tracking system" (Ito: column 6, lines 21-26).

Regarding claims 3, 12, and 18, Loveland discloses "the image is magnified by adjusting an electrical signal representing a part of the image" (Loveland: column 4, lines 9-32).

Regarding claims 5, 14, and 20, Loveland discloses “automatically changing the scale of the image following designation of the object as the target” (Loveland: column 3, lines 57-64, wherein changing the scale is adjusting the panning and zooming functions of the camera).

Regarding claims 6, 15, and 31, Loveland discloses “moving a cursor to superimpose the cursor on the object of interest in the image” (Loveland: column 5, lines 31-35, wherein the cursor is the mouse cursor) and “signaling the tracking system that the cursor is superimposed on the object of interest” (Loveland: column 5, lines 31-35, wherein the signaling is the clicking).

Regarding claims 7-10 and 16, although not disclosed, the object tracking system could comprise a touch screen display that simultaneously selects and designates the target upon the next touch of the display (Official Notice). Doing so would have been obvious in order to make the apparatus more user-friendly by providing the benefits of a touch screen display.

(10) Response to Argument

- i. On pages 4-6, appellant argues that Ito fails to disclose automatically increasing magnification of a sequence of frames of an image in response to initiating the tracking system free from further user input while the tracking system is activated.

Ito discloses in column 12, lines 21-29, that upon detecting an entering object, a zoom control signal is generated which automatically magnifies the image on the screen. Since the magnification is done automatically, the

magnification is free from further user input. By detecting an entering object, Ito is initiating/preparing the tracking system to track the objects throughout the subsequent frames. Hence, Ito discloses automatically increasing magnification of a sequence of frames of an image in response to initiating the tracking system free from further user input while the tracking system is activated

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Evidence Appendix

No evidence has been submitted.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Dave Czekaj/

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